

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JUSTIN MUNCY

Case No. 2:19-cv-00684-JAD-CWH

Plaintiff,

ORDER

v.

BRIAN WILLIAMS, *et al.*

Defendants.

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*. (ECF No. 1, 1-1).

19 Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28
20 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
21 proceed *in forma pauperis* and attach both an inmate account statement for the past six
22 months and a properly executed financial certificate. Plaintiff has not submitted an inmate
23 account statement. (See ECF No. 1). Therefore, the *in forma pauperis* application is
24 denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No.
25 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff
26 will be granted an opportunity to cure the deficiencies of his application to proceed *in*
27 *forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff

1 chooses to file a new application to proceed *in forma pauperis* he must file a fully complete
2 application to proceed *in forma pauperis* with all the required financial documents.
3

4 **II. CONCLUSION**

5 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
6 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.
7

8 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
9 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
10 document entitled information and instructions for filing an *in forma pauperis* application.
11

12 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
13 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on
14 the correct form with both an inmate account statement for the past six months and a
15 properly executed financial certificate in compliance with 28 U.S.C. § 1915(a); or (2) pay
16 the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
17 administrative fee).
18

19 IT IS FURTHER ORDERED that failure to comply with this order will result in a
20 recommendation that the case be dismissed without prejudice.
21

22 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint
23 (ECF No. 1-1), but shall not file it at this time.
24

25 DATED: April 25, 2019

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28 UNITED STATES MAGISTRATE JUDGE